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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☒ Declaration Submitted with Initial Filing OR ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number 101USMD76

First Named Inventor Iyad Qumei

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**OPEN UPDATE FRAMEWORK FOR MOBILE HANDSETS CAPABLE OF
PROCESSING FIRMWARE AND SOFTWARE UPDATE PACKAGES BASED ON
MIME-TYPES**

(Title of the Invention)

the specification of which

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) as United States Application Number or PCT InternationalApplication Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

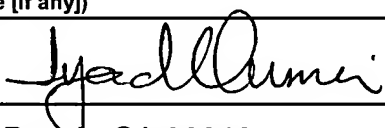

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/US01/44034	USA	11/19/2001	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/>		Customer Number <input style="width: 150px;" type="text"/>		OR <input type="checkbox"/> Correspondence address below	
Bindu Rama Rao					
Name					
Address 32451 Golden Lantern, Suite 301					
Laguna Niguel			CA		92677
City			State		ZIP
USA		(949)234-7027		Fax	
Country		Telephone			
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
NAME OF SOLE OR FIRST INVENTOR :			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name lyad			Family Name Qumei		
(first and middle [if any])			or Surname		
Inventor's Signature 				Date 10/30/03	
Huntington Beach, CA 92646		CA	USA	USA	
Residence: City		State	Country	Citizenship	
Mailing Address 21661 Brookhurst Street, Apt.170					
Huntington Beach		CA	92646	USA	
City		State	ZIP	Country	
NAME OF SECOND INVENTOR:			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name Teck			Family Name Chia		
(first and middle [if any])			or Surname		
Inventor's Signature 				Date 10/29/03	
Aliso Viejo, CA 92656		CA	USA	Singapore	
Residence: City		State	Country	Citizenship	
Mailing Address 2333 City Lights Drive					
Aliso Viejo		CA	92656	USA	
City		State	ZIP	Country	
<input checked="" type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.					

PATENT

Applicant or Patentee: Bitfone Corp.
Serial or Patent No.: Not assigned
Filed or Issued: Herewith
For:

Attorney: Christopher C. Winslade
Docket No.: 101USMD76

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (c) -SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Bitfone, Corp.
(a Delaware Corporation)
32451 Golden Lantern, Suite 301
Laguna Niguel, CA 92677
United States of America
949-234-7000

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled OPEN UPDATE FRAMEWORK FOR MOBILE HANDSETS CAPABLE OF PROCESSING FIRMWARE AND SOFTWARE UPDATE PACKAGES BASED ON MIME-TYPES, by inventor(s) Iyad Qumei, Teck Chia and Bindu Rama Rao, described in

- ☒ the specification filed herewith.
☐ application serial no. _____, filed _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME : Bitfone, Corp.
ADDRESS 32451 Golden Lantern, Suite 301, Laguna Niguel, CA 92677.
_____ ☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Carla Fitzgerald

TITLE OF PERSON OTHER THAN OWNER Vice President, Marketing

ADDRESS OF PERSON SIGNING 32451 Golden Lantern, Suite 301, Laguna Niguel, CA 92677

SIGNATURE  DATE October 30, 2003